

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

REGINALD DONELL RICE,)
Plaintiff,)
vs.) **No. 3:10-CV-741-O (BH)**
CAREY D. COCKELL, et al.,)
Defendants.) **Referred to U.S. Magistrate Judge**

FINDINGS, CONCLUSION AND RECOMMENDATION

By *Special Order No. 3-251*, this *pro se* prisoner case has been referred for findings, conclusions and recommendation. Before the Court is the plaintiff's *Motion for C.O.A. and In Forma Pauperis*, received March 5, 2019 (doc. 14). Based on the relevant filings, evidence and applicable law, the motion should be **DENIED**.

Reginald Donell Rice (Plaintiff), an inmate in the Texas Department of Criminal Justice, filed a civil rights action against three individuals for alleged violations of his constitutional rights in connection with state proceedings to terminate his parental rights and to place his infant daughter in the custody of Child Protective Services. (*See* doc. 1.) The case was dismissed on June 7, 2010, because Plaintiff was barred from proceeding *in forma pauperis* under the "three-strikes" provision of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g), and he did not pay the filing fee. (*See* docs. 7, 8.) Plaintiff filed a motion for leave to file a motion under Fed. R. Civ. P. 60(b) and to proceed *in forma pauperis*, received on January 17, 2019 (doc. 9). The motion was denied on February 21, 2019 (doc. 12). He filed a notice of appeal, received on March 5, 2019 (doc. 13). He now seeks a certificate of appealability (COA) and to proceed *in forma pauperis* on appeal.

A COA is not required to appeal in a civil rights case. This case was dismissed because Plaintiff was barred from proceeding *in forma pauperis* and he did not pay the filing fee, and he is still barred from proceeding *in forma pauperis* by operation of the three-strikes rule.

Plaintiff's *Motion for C.O.A. and In Forma Pauperis* should be **DENIED**.

SIGNED this 5th day of March, 2019.



IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk shall serve a copy of these findings, conclusions, and recommendation on all parties by mailing a copy to each of them. Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to these findings, conclusions and recommendation must file and serve written objections within fourteen days after being served with a copy. A party filing objections must specifically identify those findings, conclusions, or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. Failure to file written objections to the proposed findings, conclusions, and recommendation within fourteen days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*).



IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE